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PATENT
Attorney Docket No. M-11736US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Reynaldo Gil et al.

Art Unit: 3623

Application No. 10/028,542

Examiner: Jeanty, Romain

Filed: December 19, 2001

For: SUPPLY CHAIN MANAGEMENT

**TRANSMITTAL OF
APPELLANTS' APPEAL BRIEF**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with 37 CFR 1.192, appellants hereby submit Appellants' Brief on Appeal in triplicate.

The items checked below are appropriate:

1. Status of Appellants

This application is on behalf of other than a small entity or a small entity.

The verified statement is attached or was filed on .

2. Fee for Filing Brief on Appeal

Pursuant to 37 CFR 1.17(e), the fee for filing the Brief on Appeal is for: other than a small entity or a small entity.

Brief Fee Due \$500.00

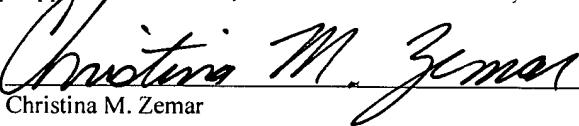
3. Oral Hearing

Appellants request an oral hearing in accordance with 37 CFR 1.194.

CERTIFICATE OF MAILING

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: November 3, 2006


Christina M. Zemar

4. Extension of Time

- Appellants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00
- Appellants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that appellants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$0.00

5. Total Fee Due

The total fee due is:

Brief on Appeal Fee	\$500.00
Request for Oral Hearing	\$ 0.00
Extension Fee (if any)	\$ 0.00

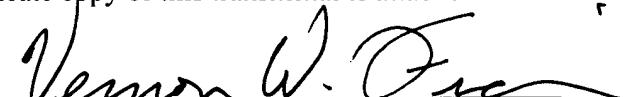
Total Fee Due: \$500.00

6. Fee Payment

- Attached is a check in the sum of \$500.00.
- Charge Account No. 503594 the sum of \$. A duplicate of this transmittal is attached.

7. Fee Deficiency

- If any additional fee is required in connection with this communication, charge Account No. 503594. A duplicate copy of this transmittal is attached.


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In re Application of: Reynaldo Gil et al.

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APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In support of the appeal from the final rejection dated June 16, 2006,
Appellants now submit their Brief.

Real Party In Interest

The patent application that is the subject of this appeal is assigned to
WORLDCHAIN, Inc., but has been acquired by ILLINOIS TOOL WORKS, INC.

Related Appeals and Interferences

There are no appeals or interferences that are related to this appeal.

Status of Claims

Claims 1-50 are pending. Claims 1-20, 22-50 stand rejected under 35 U.S.C. §102(e).
Claim 21 stands rejected under 35 U.S.C. §103(a). Applicants traverse the rejections.

Status of Amendments

All amendments in the application have been entered.

Summary of Invention

In one embodiment of the present invention, a method for managing a supply chain is provided. A request (82) for a transaction involving an enterprise and at least one partner in a supply chain is received from an end-user or the partner. Real-time data relevant to the transaction is accessed from an existing partner system (92, 96). A context for the transaction is generated using real-time data (96, 86, 88, 104, or 106). The request is processed in the context for the transaction (108, 110). (See Figure 4).

In another embodiment of the present invention, a system for managing a supply chain is provided. The system may include an interface (112, 146, 148) and a processing facility (14, 132, 134, 136, 138). The interface is operable to receive the request (90) for the transaction from the end-user or the partner. The interface is in communication with the processing facility. The processing facility is operable to access real-time data (92, 96) relevant to the transaction from an existing partner system (102), to generate a context for the transaction using the real-time data (96, 86, 88, 104, or 106), and to process the request in the context for the transaction (108, 110). (See Figures 4 and 5.)

In some embodiments of the present invention, the system may include a database (134, 192, 300, 302) and an execution process engine (132, 188, 238, 292). The database is operable to store real-time data relating to one or more transactions and to maintain a respective context for each transaction. The execution process engine is operable to execute a respective workflow (140) in the context for each transaction using the real-time data. Each workflow may include a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the respective transaction. (See Figures 5, 6 and 13.)

In still another embodiment of the present invention, the system may include a database (134), at least one process workflow (140) executing on a processing facility (132), and a data access layer (136). The database (134) is operable to store real-time data relating to the transaction. The process workflow (140) is operable to process the transaction. The data access layer (136) is operable to provide the process workflow (140) access to the real-time data relating to the transaction, thereby providing a context for the transaction during processing. (Figure 5).

In yet another embodiment of the present invention, the system may include a network execution component (238) and a network domain gateway (234). The network execution component (238) is operable to administer a transaction involving an enterprise and at least one partner in a supply chain. The network execution component (238) is in communication with the network domain gateway (234). The network domain gateway (234) is operable to communicate with a partner coordinator component (228) integrated with an existing system of the partner to provide real-time data relevant to the transaction from the

existing system of the partner to the network execution component (238). (See Figures 8, 9 and 10.)

Issues

Stowell does not disclose each and every element of the claimed invention.

Claims 1-20 and 22-50 stand rejected under 35 U.S.C. §102(e) as being anticipated by Stowell et al (U.S. 20020099579).

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Stowell et al.

Grouping of Claims

Claims 1, 3-31 and 41-50 stand or fall together. Claim 2 stands alone. Claims 32-40 stand or fall together.

Argument

Claims 1-20 and 22-50 stand rejected under 35 U.S.C. §102(e) as being anticipated by Stowell et al (U.S. 20020099579). Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Stowell. Applicants respectfully traverse the rejections.

The Examiner has failed to show how Stowell discloses each of the claimed elements of claims 1-31 and 41-50.

Claims 1-16:

With regard to claim 1, the Examiner asserts that the claimed step of accessing real-time data relevant to the transaction from an existing partner system is shown in paragraph 26 of the reference relied upon. However, the cited paragraph does not appear to provide any teaching regarding real-time data. Likewise, the Examiner asserts that paragraph 182 of Stowell teaches the claimed step of generating a context for the transaction using the real-time data.

The referenced paragraph appears to teach a system for generating alerts, not a context, as claimed. Using the example from the specification as originally filed, there

appears to be no teaching or suggestion for generating a context using, for example, a purchase order number, to identify, gather, forward, access, and process data and initiate and direct tasks and actions for the transaction.

Nor does there appear to be any teaching for generating and maintaining a context on the basis of such information as for example, the type of transaction (e.g., purchase order, service request, installation request, warranty matter, replacement request, etc.); the names, addresses, and contact information of the partners involved in the transaction; the name, address, and contact for an end-user (e.g., consumer) which initiated the transaction; the purchase/service request order number for the transaction; the date on which the transaction was initiated; the dates on which the partners involved in the transaction was notified; the dates on which the involved partners completed tasks related to the transaction (e.g., shipped product, made service call to end-user's location, completed installation of new product, etc.); and the like. Nor is it apparent what real-time data is used and how it generates a context in the cited reference paragraph.

In addition, the reference relied upon indicates that it is directed to a "stateless, event-monitoring server system for use in monitoring performance between buyers and suppliers". (Stowell, Abstract, emphasis added.) The Microsoft Press Computer Dictionary (3rd edition, 1997) defines stateless as "of or pertaining to a system or process that participates in an activity without monitoring all details of its state." The second definition of The Illustrated Dictionary of Electronics (4th edition, 1988) defines state as "the physical or electrical condition or status of a component, device, circuit, or system." The Computer Dictionary also defines real-time as follows:

Of or relating to a time frame imposed by external constraints. Real-time operations are those in which the machine's activities match the human perception of time or those in which computer operations proceed at the same rate as a physical or external process. Real-time operations are characteristic of aircraft guidance systems, transaction-processing systems, scientific applications, and other areas in which a computer must respond to situations as they occur (for example, animating a graphic in a flight simulator or making corrections based on measurements).

The Abstract portion of the reference appears to teach to one of ordinary skill in the art that Stowell is not concerned with the current state of the system, which, in addition to the lack of an explicit teaching relating to real-time data, is an additional suggestion that Stowell does not collect real-time data or generate a context for a transaction based on real-time data.

Exemplary embodiments of the present invention regarding real-time data and generating a context for a transaction are discussed in paragraph 62 of the of the present published application (page 14, line 22 et seq. of the application as originally filed) and paragraph 81 (page 19, line 32 et seq.).

At least these elements of the claimed invention do not appear to be taught by the reference relied upon as applied by the Examiner. These elements not having been shown to be disclosed by Stowell, the Examiner has not established that the invention as set forth in claim 1 is anticipated by Stowell. Therefore, the present rejection is improper.

These elements being absent from the base claim, they are also absent from the dependent claims, which may contain additional limitations that distinguish the claimed invention from the reference relied upon. Claims 2-16, which depend from claim 1, are not anticipated for at least the same reasons described above for claim 1.

Claim 2

With regard to claim 2, paragraph 140 of the reference relied upon also does not appear to teach a partner coordinator component integrated with the existing partner system. The specification as originally filed states as follows: “At step 572, the partner coordinator component 180 translates the document from XML into a format capable of being read by a partner ERP system 198, and routes the document to the Partner ERP.” See page 48, line 3 et seq.

The paragraph cited by the Examiner does not appear to include a teaching for translating a document from one format to another format capable of being read by a partner system. Nor is it apparent how the cited paragraph teaches a component integrated with the existing partner system.

Claims 17-31:

Similarly, the Examiner has rejected independent claim 17 based on the same rationale as claim 1. Applicants submit the same rationale offered above with respect to claim 1. The reference relied upon, as applied by the Examiner, does not appear to teach each and every element of the claimed invention. Claims 18-31, which depend from claim 17, are not anticipated for the at least the same reasons described above for claims 1 and 17.

Claims 41-50:

Similarly, the Examiner has rejected independent claim 41, from which claims 42-50 depend, based on the same rationale as claim 1. Applicants submit the same rationale offered above with respect to claim 1. The reference relied upon, as applied by the Examiner, does not appear to teach each and every element of the claimed invention. Claims 41-50 are not anticipated for the at least the same reasons described above for claim 1.

Claim 21:

The Examiner has also rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Stowell. Applicants traverse. As pointed out above, the reference relied upon, as applied by the Examiner, does not appear to teach each and every element of the claimed invention for claim 17, from which claim 21 depends. The Examiner having failed to point out where each and every element of the base combination is taught in the reference relied upon, these elements are also missing from the further refinement recited in claim 21. Applicants respectfully submit that the Examiner has failed to show how each and every element of claim 21 is taught or suggested in the reference relied upon and no prima facie case for obviousness has been established.

Stowell does not disclose each and every element of the invention as set forth in claims 32-40.

With respect to independent claim 32, from which claims 33-37 depend, and independent claims 38, from which claims 39 and 40 depend, the reference relied upon, as applied by the Examiner, does not appear to teach all the elements of the claimed invention. Paragraph 185, as cited by the Examiner, does not appear to teach a database operable to store real-time data for one or more transactions. It is not apparent that the cited paragraph teaches the storage of real-time data. The specification as originally filed describes examples of real-time data at page 17, line 1 et seq.:

This real-time data may include reference data and transaction data. Reference data can specify, for example, inventory levels and parts numbers. Transaction data can specify, for example, numbers for purchase orders, shipping receipts, invoices for various transactions in which the respective partner is involved; the dates and times at which the partners were notified, alerted, or requested to take actions or work on tasks; the kinds of tasks, actions, and the like required to be performed by the partners (e.g., pulling a product from inventory, packaging a product, delivering a product, making a service call to a customer, installing a machine at a customer site, repairing a machine, etc.); the dates and times at which the actions or tasks were completed; and the like.

In re Appln. of Gil et al.
Application No. 10/028,542

It is not apparent from the cited reference that Stowell teaches a database operable to store data of this nature.

Also, as noted above with regard to claim 1, the paragraphs cited by the Examiner do not appear to teach a database operable to maintain a respective context for each transaction. Nor is it apparent that the cited reference teaches an execution process engine operable to execute a respective workflow in the context for each transaction using the real-time data. The referenced paragraph 185 does not appear to teach maintaining a context for each transaction nor real-time data relating to the transactions.

The reference relied upon, as applied by the Examiner, does not appear to teach all the elements of claim 32. Therefore, the Examiner has not established that Stowell anticipates claims 32-40.

Conclusion

For the reasons given above, the present invention is considered to be in proper condition for allowance and action to that end is respectfully requested.

Respectfully submitted,



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Date: November 3, 2006

CLAIMS APPENDIX

1. (Original) An automated method for managing a transaction involving an enterprise and at least one partner in a supply chain, the method comprising:
 - receiving a request for the transaction from an end-user or the partner;
 - accessing real-time data relevant to the transaction from an existing partner system;
 - generating a context for the transaction using the real-time data; and
 - processing the request in the context for the transaction.
2. (Original) The method of claim 1, wherein said accessing comprises communicating with a partner coordinator component integrated with the existing partner system.
3. (Original) The method of claim 1, wherein the real-time data comprises transaction data specifying a status for the transaction.
4. (Original) The method of claim 1, wherein the real-time data comprises reference data relating to the partner.
5. (Original) The method of claim 1, wherein accessing comprises receiving the real-time data in extensible markup language (XML) format.
6. (Original) The method of claim 5, further comprising converting the real-time data into a format useable by a network system, the network system operable to maintain the context for the transaction.
7. (Original) The method of claim 1, further comprising maintaining a content for the transaction at a network system.
8. (Original) The method of claim 7, further comprising:
 - identifying the context for the transaction based upon the request; and
 - routing the request for processing of the transaction.
9. (Original) The method of claim 1, further comprising sending a response to the request to the end-user or the partner.

10. (Original) The method of claim 1, wherein processing comprises initiating a workflow for the transaction at a network system.

11. (Original) The method of claim 10, wherein the workflow comprises a plurality of tasks to be performed by the enterprises or partner in order to fulfill the transaction.

12. (Original) The method of claim 11, wherein processing comprises notifying the partner of any tasks to be performed by the partner.

13. (Original) The method of claim 10, wherein processing comprises initiating at least one process manager routine for managing the workflow.

14. (Original) The method of claim 11, wherein the workflow comprises a routing workflow for routing the request to the enterprise or the partner for performance of the tasks.

15. (Original) The method of claim 1, wherein processing comprises alerting the partner or the enterprise.

16. (Original) The method of claim 1, wherein processing comprises monitoring a service level associated with the transaction.

17. (Original) A system for managing a transaction involving an enterprise and at least one partner in a supply chain, the system comprising:

an interface operable to receive a request for the transaction from an end-user or the partner; and

a processing facility in communication with the interface, the processing facility operable to access real-time data relevant to the transaction from an existing partner system, the processing facility operable to generate a context for the transaction using the real-time data, the processing facility operable to process the request in the context for the transaction.

18. (Original) The system of claim 17, wherein the real-time data comprises transaction data specifying a status of the transaction.

19. (Original) The system of claim 17, wherein the real-time data comprises reference data relating to the partner.

20. (Original) The system of claim 17, further comprising a database operable to maintain the context for the transaction.

21. (Original) The system of claim 20, wherein said database comprises a relational database.

22. (Original) The system of claim 17, wherein the real-time data is accessed in extensible markup language (XML) format.

23. (Original) The system of claim 22, wherein said processing facility is operable to convert real-time data into a format usable by the system.

24. (Original) The system of claim 22, wherein the processing facility is operable to send a response to the request to the end-user or the partner.

25. (Original) The system of claim 17, wherein the processing facility is operable to initiate a workflow for the transaction at a network system.

26. (Original) The system of claim 25, wherein the workflow comprises a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the transaction.

27. (Original) The system of claim 26, wherein the processing facility is operable to notify the partner of any tasks to be performed by the partner.

28. (Original) The system of claim 25, wherein the processing facility is operable to initiate at least one process manager routine for managing the workflow.

29. (Original) The system of claim 26, wherein the workflow comprising a routing workflow for routing the request to the enterprise or the partner for performance of the tasks.

30. (Original) The system of claim 17, wherein processing facility is operable to alert the partner or the enterprise.

31. (Original) The method of claim 17, wherein the processing facility is operable to monitor a service level associated with the transaction.

32. (Original) A system for managing one or more transactions involving an enterprise and at least one partner in a supply chain, the system comprising:
a database operable to store real-time data relating to the one or more transactions, the database operable to maintain a respective context for each transaction; and
an execution process engine operable to execute a respective workflow in the context for each transaction using the real-time data, each workflow comprising a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the respective transaction.

33. (Original) The system of claim 32, further comprising one or more process manager components operable to manage the workflows.

34. (Original) The system of claim 32, wherein at least one business object is generated for each workflow.

35. (Original) The system of claim 34, further comprising one or more business object managers operable to manage each business object.

36. (Original) The system of claim 32, wherein each workflow comprises a process for transforming the real-time data according to a business policy between the enterprise and the partner.

37. (Original) The system of claim 32, wherein the database is operable to maintain one or more business policies relating to the partner.

38. (Original) A system for processing a transaction involving an enterprise and at least one partner in a supply chain, the system comprising:

a database operable to store real-time data relating to the transaction;
at least one process workflow executing on a processing facility, the process workflow operable to process the transaction; and
a data access layer operable to provide the process workflow access to the real-time data relating to the transaction, thereby providing a context for the transaction during processing.

39. (Original) The system of claim 38, wherein the at least one workflow comprises a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the respective transaction.

40. (Original) The system of claim 38, further comprising a business data manager component operable to manage the at least one process workflow.

41. (Original) A network system for managing a supply chain, the network system comprising:

a network execution component operable to administer a transaction involving an enterprise and at least one partner in the supply chain; and

a network domain gateway in communication with the network execution component, the network domain gateway operable to communicate with a partner coordinator component integrated with an existing system of the partner to provide real-time data relevant to the transaction from the existing system of the partner to the network execution component.

42. (Original) The network system of claim 41, wherein the network execution component executes at least one process workflow operable to transform the real-time data relevant to the transaction based on business rules for the supply chain.

43. (Original) The network system of claim 41, wherein the network domain gateway comprises a transport component operable to send or receive one or more messages related to the transaction.

44. (Original) The network system of claim 41, wherein the network domain gateway comprises a gateway router component operable to route one or more messages relating to the transaction between the existing system of a partner and an existing system of the enterprise.

45. (Original) The network system of claim 44, wherein the gateway router component is operable to perform context-based routing of messages related to the transaction.

46. (Original) The network system of claim 41, further comprising a messaging system operable to generate one or more messages for the real-time data and to rout the messages within the network system.

47. (Original) The network system of claim 41, wherein the network execution component is operable to manage at least one process workflow for the transaction.

48. (Original) The network system of claim 41, further comprising a database operable to store the real-time data.

49. (Original) The network system of claim 48, wherein the database is operable to store a context for the transaction.

50. (Original) The network system of claim 48, wherein the database is operable to store one or more policy rules that govern the transaction.